THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO. 22468 OF 2005

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DATED: 19-10-2005.

Between:

Meegada Obulaiah …Petitioner

and

1. The District Collector,

Prakasam District and three others …Respondents

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION NO. 22468 of 2005

ORDER:

Order dated 29-09-2005 of the Joint Collector, Prakasam District (2nd respondent) allowing the appeal preferred by 4th respondent, questioning the Dealership Licence granted to the petitioner, on the ground that a criminal case is pending against him by the date of his application and as he availed a loan of Rs.80,000/- under self-employment scheme under C.M.E.Y. programme for manufacturing bricks, is challenged by the petitioner in this petition.

2 . The contention of the learned Counsel for the petitioner is that since the notification calling applications for dealership was issued on 16-10-2004, and since the petitioner submitted his application before the due date of 01-11-2004, by which time C.C.No.64 of 2001 in which he was one of the accused, was disposed of by the judgment dated 06-12-2003 acquitting him of the charges framed against him, by the date of submission of his application petitioner cannot be said to be an accused in any criminal case and so the second respondent was in error in allowing the appeal preferred by the 4th respondent questioning the licence granted to the petitioner.

3. The contention of the learned Government Pleader is that since the petitioner preferred a revision to the Collector (1st respondent) against the impugned order of the 2nd respondent and since the same is pending, this petition is not maintainable.

4. Since the revision of the petitioner against the order impugned is pending before the 1st respondent, this petition is not maintainable. The other grievance of the petitioner is about the first respondent not taking up his petition for stay of the order of the 2nd respondent.

5. In the above circumstances this petition is disposed of with a direction to the first respondent to dispose of the stay petition filed by the petitioner on merits, immediately after receipt of a copy of this order. He should also dispose of the revision preferred by the petitioner against the order of the 2nd respondent, impugned in this petition, as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this order. No order as to costs.

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C.Y.SOMAYAJULU, J

Dated: 19-10-2005.

Note:

Issue C.C. in two days.

B/o

RNS.